



Docket No. 3097-4008US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/735,437 Confirmation No. 2290
Applicant : QAZI, Ghulam et al. TC/A.U.: 1614
Filed : December 11, 2003 Examiner: Raymond J. Henley III
Title : COMPOSITION USEFUL AS HEPATOPROTECTANT'S COMPRISING
EXTRACT OF PLANT CRYPTOLEPIS BUCHANANI AND A METHOD
THEREOF
Customer No. : 27123

DECLARATION UNDER 37 CFR §1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, R. K. Gupta, Head, T.P.M.D., CSIR hereby declare that:

1. The COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH, having a place of business at Rafi Marg, New Delhi 110,001, INDIA, is the owner of the entire right, title and interest in the above identified application, Serial No. 10/735,437, and also in U.S. Patent No 6,548,086.

2. I am an official of the COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH and have authority to act on its behalf.

3. I am making this declaration in support of the above-identified patent application.

4. The above-identified application to: Ghulam Nabi Qazi; Bupinder Singh Jaggi; Bal Krishan Chandan; Krishnan Avtar Suri; Naresh Kumar Satti; Rakesh Maurya; Lila Ram Manhas; Ashwani Kumar; and Bal Krishnan Kapahi claims compositions comprising extracts of the plant *Cryptolepis buchanani* and/or fractions of the extract, a method of producing the composition, and a method of treating a subject using the composition.

5. U.S. Patent No. 6,548,086 to Rakesh Maurya; Anpurna Kaul; Sarang Bani; Usha Zutshi; Anamika Khajuria; Ajit Kumar Saxena; Lila Ram Manhas; Ashwani Kumar; Bal Krishnan Kapahi; Om Parkash Suri; and Gulam Nabi Qazi claims a method of treating immunodeficiency

in human beings using plant *Cryptolepis buchanani* extract or a composition comprising the plant extract.

6. Based on information and belief, the inventive entity of the above-identified patent application, identified in paragraph 4 above, disclosed but did not claim in U.S. Patent No. 6,548,086 the invention disclosed and claimed in the instant application, i.e. compositions, methods of producing the composition, and methods of treating a subject with the composition (hereinafter "the invention").

7. Based on the information and belief, the invention disclosed, but not claimed in U.S. Patent No. 6,548,086, is the invention of the inventors of the instant application (USPN: 10/735,437), and is thus not the invention of the inventive entity identified in paragraph 5 above.

8. Based on the information and belief, the invention described and claimed in the above-identified patent application, and disclosed but not claimed in the '086 patent, at the time the invention was made, was owned by or subject to an obligation of assignment to the Council of Scientific and Industrial Research.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

NAME OF PERSON SIGNING

TITLE OF PERSON IF OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

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New Delhi 110,001
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R. K. GUPTA
HEAD, J.P.M.D.
CSIR

SIGNATURE

R. K. Gupta

DATE

30. 09. 2004

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